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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,695	08/02/2002	Niels Rump	13189.136	3855

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GLENN PATENT GROUP  
3475 EDISON WAY, SUITE L  
MENLO PARK, CA 94025

EXAMINER
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HENNING, MATTHEW T

ART UNIT	PAPER NUMBER
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2131

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/913,695

Applicant(s)

RUMP ET AL.

Examiner

Matthew T. Henning

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

1 This action is in response to the communication filed on 12/20/2006.

2 **DETAILED ACTION**

3 ***Continued Examination Under 37 CFR 1.114***

4  
5 A request for continued examination under 37 CFR 1.114, including the fee set forth in  
6 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is  
7 eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)  
8 has been timely paid, the finality of the previous Office action has been withdrawn pursuant to  
9 37 CFR 1.114. Applicant's submission filed on 12/20/2006 has been entered.

10  
11 ***Response to Arguments***

12 Applicant's arguments filed 12/20/2006 have been fully considered but they are not  
13 persuasive.

14 Regarding applicants' argument that Saito did not disclose a "start section" that remains  
15 unencrypted, the examiner does not find the argument persuasive for the reasons previously  
16 given in the office action dated 7/27/2006. Furthermore, the only requirements of the start  
17 section are that it remains unencrypted, as does the leftmost unencrypted data block of Fig. 4G of  
18 Saito, and that an encrypted section of data is appended to the start section, as is the case in Saito  
19 as clearly seen in Fig. 4G. Appendix A of this office action has been provided to more clearly  
20 point out which portions of Saito correspond to which portions of the claim language, as is clear  
21 that the applicants have misinterpreted the rejection in view of Saito. Therefore, the examiner

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1 does not find the arguments persuasive. Furthermore, the examiner notes that there is no  
2 requirement in the claim language that the "start section" be adjoined to the header.

3  
4 Regarding applicants' argument that claims 6 and 13 do recite that "the header includes a  
5 part requiring information for playing the first unencrypted start section of the user data block  
6 and second information required for decrypting the following encrypted data block", the  
7 examiner does not find the argument persuasive. Saito teaches that a portion of the header,  
8 which contains the decryption key, is encrypted, while the portion that is not encrypted is  
9 necessary for recognizing the data, and therefore for playing the data. This can be seen in Saito  
10 Col. 8 Paragraphs 2-10, especially 5 and 8. As such, the examiner does not find the argument  
11 persuasive.

12 Regarding applicants' argument that the claim language recites that the "start section,  
13 which is unencrypted, follows the header and is the first part of the user data", the examiner does  
14 not find the argument persuasive. The claim language does not recite that the start section is "the  
15 first part of the user data", but rather that the start section is "a first part". The claim language  
16 does not require the start section to be adjoined to the header in the file. As such, the examiner  
17 does not find the argument persuasive.

18 Regarding applicants' argument that there is support in the specification for the limitation  
19 of a unit for processing only the information of the header which is needed to play back the start  
20 section of the user data block", the examiner does not find the argument persuasive. As  
21 explained in the advisory action dated 10/12/2006, although the specification does provide  
22 support for "a unit which **initially** processes only the information necessary for playing back the

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1 unencrypted section”, there is no support for a unit which processes only that information and  
2 never any other information. As such, the examiner still does not find the argument persuasive.

3 The examiner further notes that the applicants have incorrectly asserted the examiner’s  
4 opinion regarding the rejection under 35 USC 112 1<sup>st</sup> paragraph in Page 4 of the communication  
5 dated 12/20/2006. The examiner has made no such comment of record or otherwise that “this  
6 disclosure in the specification is sufficient for overcoming this objection” or rejection.

7 The examiner has not found the arguments to be persuasive and has therefore maintained  
8 the prior art rejections previously presented.

9 All objections and rejections not set forth below have been withdrawn.

10 Claims 1-18 have been examined.

### 11 *Drawings*

12 The drawings are objected to under 37 CFR 1.83(a). The drawings must show every  
13 feature of the invention specified in the claims. Therefore, the “unit for processing **only** the  
14 information of the header which is needed to play back the start section of the user data block”  
15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

16 Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to  
17 the Office action to avoid abandonment of the application. Any amended replacement drawing  
18 sheet should include all of the figures appearing on the immediate prior version of the sheet,  
19 even if only one figure is being amended. The figure or figure number of an amended drawing  
20 should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure  
21 must be removed from the replacement sheet, and where necessary, the remaining figures must  
22 be renumbered and appropriate changes made to the brief description of the several views of the

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drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification is objected to for failing to provide support for the claim limitation of "a unit for processing **only** the information of the header which is needed to play back the start section of the user data block", or "processing only the information of the header which is needed to play back the start section of the user data block". See the rejection of claims 13-16 and 18 under 35 USC 112 1<sup>st</sup> Paragraph below.

### *Claim Objections*

Claims 6-10 and 13-16 are objected to because of the following informalities:

Claims 6-10 and 13-16 use the term "the unencrypted start section", throughout the claim language, to refer to the start section which contains unencrypted user data. However, this is not proper as the claimed start section is not necessarily unencrypted, but rather it must contain at least some unencrypted data. As such, the examiner suggest changing the language to read just "the start section".

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1           Claims 7 and 14 recite "the processed information of the header" which could refer to  
2 either the information that was needed for playback of the start section, or the information which  
3 was not needed for playback of the start section. As such, the claim is unclear and should be  
4 corrected to particularly point out which information is being referred to by this limitation. The  
5 examiner will assume, for searching the prior art, that either information falls within the scope of  
6 the claim language.

7           Appropriate correction is required.

8  
9                                   *Claim Rejections - 35 USC § 112*

10          The following is a quotation of the first paragraph of 35 U.S.C. 112:

11           The specification shall contain a written description of the invention, and of the manner and process of making  
12 and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it  
13 pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode  
14 contemplated by the inventor of carrying out his invention.  
15  
16

17          Claims 13-16 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to  
18 comply with the written description requirement. The claim(s) contains subject matter which  
19 was not described in the specification in such a way as to reasonably convey to one skilled in the  
20 relevant art that the inventor(s), at the time the application was filed, had possession of the  
21 claimed invention.

22          Although the specification provides support for initially processing only the information  
23 of the header which is needed to play back the start section of the user data block, there is neither  
24 support for only processing such data, nor support for a unit which processes only this data. As  
25 such, one of ordinary skill in the art would be unable to ascertain that the applicants were in

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possession of the invention as claimed at the time of application. Therefore, claims 13-16 and 18 are rejected for failing to meet the written description requirement of 35 USC 112 1<sup>st</sup> Paragraph.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

Claims 1, 3, 11-12, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Saito (US Patent Number 6,744,894).

Regarding claims 1 and 12, Saito disclosed a method for generating an encrypted user data stream, which has a header and a user data block (See Saito Fig. 4G), comprising the following steps: generating the header (See Saito Col. 8 Paragraph 8); and generating the user data block which follows the header by means of the following substeps: using a first part of the user data to be encrypted as start section for the user data block, the start section remaining unencrypted (See Saito Fig. 4G and Col. 8 Paragraphs 6-10); encrypting a second part of user data to be encrypted which follow the first part of the user data to obtain encrypted data (See Saito Fig. 4G); and appending the encrypted user data to the unencrypted start section (See Saito Fig. 4G).

Regarding claim 3, Saito disclosed that the second part does not comprise all the user data to be encrypted and wherein the step of generating the user data block includes the following substep: appending a third part of user data to be encrypted, which follow the second part, to the encrypted user data of the second part, the user data of the third part being unencrypted (See Saito Fig. 4G and Col. 8).

Regarding claims 11, and 17, Saito disclosed the data as audio or video data (See Saito Col. 8 Paragraph 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

Claims 2, and 4-6, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito.

Regarding claims 2, and 4-5, Saito disclosed generating the header (See the rejection of claim 1 above) but failed to specifically disclose entering the length of the start section in the header. However, Saito did disclose that the header data needed to contain information that would allow the content to be recognized. Furthermore, it was well known at the time of invention that header data included the various lengths of portions of the data associated with the header. Also, it was well known to include a total length for the content in the header.

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1 Therefore, it would have been obvious to the ordinary person skilled in the art at the time of  
2 invention to employ what was known in the art at the time of invention by adding the lengths of  
3 the various portions of the content in Fig. 4G to the header and the total length. This would have  
4 been obvious because the ordinary person skilled in the art would have been motivated to allow  
5 the content to be recognized.

6 Regarding claims 6-7, Saito disclosed a method for playing back an encrypted  
7 multimedia data stream, which has a header and a user data block, where a start section of the  
8 user data block, which follows the header, contains unencrypted user data and where a further  
9 section of the user data block contains encrypted user data, where the header contains  
10 information which is needed to play back the start section of the user data block and where the  
11 header contains information which is not needed to play back the unencrypted start section of the  
12 user data block (See Saito Fig. 4G and Col. 8), comprising the following steps: processing the  
13 information of the header which is needed to play back the start section of the user data block  
14 (See Saito Col. 8 Paragraph 2), processing the information of the header which is not needed to  
15 play back the unencrypted start section (See Saito Col. 8 Paragraphs 2-10); and decrypting the  
16 further section of the user data block using the processed information of the header (See Saito  
17 Col. 8 Paragraphs 2-10); but failed to disclose specifically playing back the data. However, it is  
18 implied that the data was meant to be played back since Saito disclosed that the data was video  
19 data (See Saito Col. 8 Paragraph 2).

20 Regarding claims 13-14, and 18, Saito disclosed a method for playing back an encrypted  
21 multimedia data stream, which has a header and a user data block, where a start section of the  
22 user data block, which follows the header, contains unencrypted user data and where a further

1 section of the user data block contains encrypted user data, where the header contains  
2 information which is needed to play back the start section of the user data block and where the  
3 header contains information which is not needed to play back the unencrypted start section of the  
4 user data block (See Saito Fig. 4G and Col. 8), comprising the following steps: processing the  
5 information of the header which is needed to play back the start section of the user data block  
6 (See Saito Col. 8 Paragraph 2), processing the information of the header which is not needed to  
7 play back the unencrypted start section (See Saito Col. 8 Paragraphs 2-10); and decrypting the  
8 further section of the user data block using the processed information of the header (See Saito  
9 Col. 8 Paragraphs 2-10); but failed to disclose specifically playing back the data. However, it is  
10 implied that the data was meant to be played back since Saito disclosed that the data was video  
11 data (See Saito Col. 8 Paragraph 2), and it was further obvious that playback would have been in  
12 response to processing the header data (used to allow the content to be recognized, as seen in  
13 Saito Col. 8). Saito further did not specifically disclose a unit which only processes the header.  
14 However, it was well known in the art that modularization of a system improved the flexibility  
15 and comprehensibility of the system, and as such it would have been obvious to have broken the  
16 system in to different modules, and as header processors were also well know in the art it would  
17 have been obvious to have used a dedicated header processor in the system of Saito.

18       Regarding claim 10, Saito disclosed that the data was encoded (See Saito Col. 2  
19 Paragraph 2) and it was therefore obvious that the type of coding was indicated in the header  
20 data in order to recognize the data.

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1           Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito as  
2 applied to claims 7 and 14 above, and further in view of Downs et al. (US Patent Number  
3 6,226,618).

4           Saito disclosed the different portions of header data (See the rejection of claim 6 above),  
5 but failed to disclose concurrent processing of the encrypted data while playing back the  
6 unencrypted data.

7           Downs teaches that concurrently decrypting the data while playing unencrypted data  
8 makes the decryption more efficient since the entire file does not need to be decrypted prior to  
9 beginning playback (See Downs Col. 82 Paragraph 5).

10           It would have been obvious to the ordinary person skilled in the art at the time of  
11 invention to employ the teachings of Downs in the decryption system of Saito by concurrently  
12 playing and decrypting. This would have been obvious because the ordinary person skilled in  
13 the art would have been motivated to increase the efficiency of the decryption system.

14           Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito as  
15 applied to claims 6 and 13 above, and further in view of Rump et al. (DE 196 25 635 C1).

16           Saito disclosed encrypted and unencrypted portions of the content (See Saito Fig. 4G) but  
17 failed to disclose the length of the unencrypted portion.

18           Rump teaches that unencrypted data can be used as sample data for the content and that  
19 the data should be 20 seconds in length (See Rump Col. 2 Last Paragraph to Col. 3 First  
20 paragraph).

21           It would have been obvious to the ordinary person skilled in the art at the time of  
22 invention to employ the teachings of Rump in the content encryption system of Saito by

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1 providing 20 seconds of unencrypted data as sample data. This would have been obvious  
2 because the ordinary person skilled in the art would have been motivated to allow the user to  
3 sample the content before purchasing the content.

#### 4 *Conclusion*

5 Claims 1-18 have been rejected.

6 The prior art made of record and not relied upon is considered pertinent to applicant's  
7 disclosure.


8 Any inquiry concerning this communication or earlier communications from the  
9 examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790.  
10 The examiner can normally be reached on M-F 8-4.

11 If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
12 supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the  
13 organization where this application or proceeding is assigned is 571-273-8300.


14 Information regarding the status of an application may be obtained from the Patent  
15 Application Information Retrieval (PAIR) system. Status information for published applications  
16 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished  
17 applications is available through Private PAIR only. For more information about the PAIR  
18 system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR  
19 system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would  
20 like assistance from a USPTO Customer Service Representative or access to the automated  
21 information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Matthew Henning  
Assistant Examiner  
Art Unit 2131  
3/12/2007



**AYAZ SHEKH**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**

## Appendix A

Fig.4A

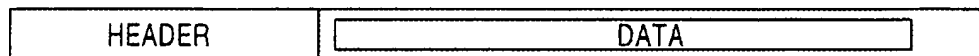


Fig.4B



Fig.4C

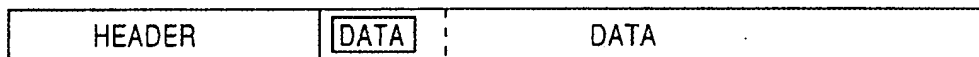


Fig.4D



Fig.4E

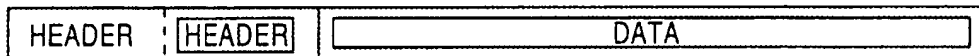
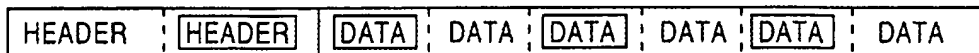


Fig.4F



Fig.4G



Header

Start Section

Second Part